

REMARKS

Claims 1- 19 are currently pending in this application. Claims 7, 10 and 14 - 16 have been amended to clarify the claimed invention and provide proper antecedent basis.

With respect to Figure 8, it is believed that by the numbering of layers 18, 24, 28 and 30 and the description in the specification, the second layer of rock chips and optionally heavy quartz sand is identified as 30.

In regard to the rejection of claims 1 - 8 based upon the prior art of Hayden, Reed et al. and Fekete et al., the base reference of Hayden concerns building a new roadway and does not seek to address the problem solved by Applicant's invention. Applicant's invention "A method of resurfacing roads . . ." is directed to repairing damaged and worn existing road surfaces. Hayden is directed to new road construction. Furthermore, Hayden does not teach "applying a first layer of polymer modified concrete over a road surface", nor does Hayden teach "applying a first layer of rock chips over the polymer modified concrete layer". Hayden further fails to teach the application of second layers of polymer modified concrete or rock chips. Basically, Hayden fails to teach any aspect of the entire claim 1. In view of the failure of Hayden to have any relevance to the claimed invention, it is unnecessary to address the secondary references. However, it should be noted that Reed does not utilize polymer modified concrete, but instead uses asphaltic material which must be sealed with a liquid composition comprising an emulsion of liquid asphalt, a lignosulfonic acid salt and water. Thus, Reed's method has no relation to the claimed invention. Furthermore, there is no basis for combining the references of Reed and Fekete et al. with Hayden or with each other.

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With respect to the rejection of Claims 9 - 11 based upon the prior art of Cranford, Barton and Fekete et al., the base reference of Cranford as well as the reference of Barton are directed to new road construction and do not address the problems solved by Applicant's invention. In Applicant's invention, anti-ponding lines can be added during the resurfacing of an existing road. The addition of the reference of Fekete et al. is clearly hindsight in that neither Barton nor Cranford would require polymer modified concrete in new road construction.

With respect to the rejection of Claims 12 - 19 based upon combinations of Hayden, Jones, Fekete et al., Reed et al. and Gemmer, these references again fail to address the problem solved by Applicant's invention. In Applicant's invention, the heating elements can be added to an existing roadway. Hayden and Jones are directed to new road construction, and therefore have no relation to the application of heating elements to an existing roadway. Furthermore, there is no basis for the combination of Hayden and Jones with Fekete et al., Reed et al. or Gemmer. None of the references teach applying the polymer modified concrete in a wheel lane or applying the heating elements to the wheel lane under the polymer modified concrete.

It is respectfully submitted that the subject application is in condition for allowance. Accordingly, Applicant respectfully requests that the subject application be passed to issuance without delay.

It is believed that no fee is due for this submission. Should that determination be incorrect, however, the Examiner is hereby authorized to charge any deficiencies to our Deposit Account No. 13-2759, and notify the undersigned in due course.

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Should the Examiner have any questions or wish to discuss further this matter, please contact the undersigned at the telephone number provided below.

Respectfully submitted,

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